

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2021-CP-32-

Carrie Ballentine,

Plaintiff,

v

Target Corporation.,

Defendant.

SUMMONS

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

MURPHY & GRANTLAND, P.A.

s/J.R. Murphy

J.R. Murphy, Esquire (S.C. Bar #7941)

PO Box 6648

Columbia, South Carolina 29260

(803) 782-4100

Attorneys for the Plaintiff

Columbia, South Carolina
October 28, 2021

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2021-CP-32-

Carrie Ballentine,

Plaintiff,

v

Target Corporation.,

Defendant.

**COMPLAINT
(Jury Trial Demanded)**

The Plaintiff, Carrie Ballentine (hereinafter the “Plaintiff”), complaining of the Defendant, Target Corporation, alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. The Plaintiff is a citizen and resident of the State of South Carolina.
2. The Defendant is a Minnesota corporation doing business in the State of South Carolina.
3. A substantial portion of the transactions and occurrences described herein took place in Lexington County, South Carolina.
4. Jurisdiction and venue are proper in Lexington County, South Carolina for the foregoing reasons.

FACTUAL BACKGROUND

5. The Plaintiff incorporates the foregoing paragraphs as if repeated here, verbatim.
6. On or about March 21, 2019, Plaintiff and her daughter traveled to a Target store, located in Lexington, South Carolina.
7. While Plaintiff and her daughter were shopping inside the Target store, Plaintiff overheard Defendant’s employee conversation regarding getting off work soon and wanting to finish a task quickly.

8. While Plaintiff was trying on a pair of shoes, she was forcefully knocked to the ground by a tall clothing rack full of clothes being pushed in a reckless manner by an employee of the Defendant.

9. Defendant's business was open to the public at the time of the complained of incident.

10. Plaintiff was an invitee at Defendant's premises when she suffered severe and permanent injuries and damages which were proximately caused by the actions/omissions of Defendant and its employees.

FOR A FIRST CAUSE OF ACTION
(Respondeat Superior)

11. Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 10 as set forth herein verbatim.

12. Upon information and belief and at all times material hereto, the person who forcefully knocked Plaintiff to the ground was employed by Defendant; acting within the course and scope of his/her employment and in furtherance of the Defendant's business. Therefore, Defendant is vicariously liable for the actions and negligence of that employee.

FOR A SECOND CAUSE OF ACTION
(Negligence)

13. Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 13 as set forth herein verbatim.

14. Defendant, through its employee, owed a duty to conduct business operations in a proper and safe manner.

15. Defendant, through its employee, was negligent, grossly negligent, reckless, careless, willful and wanton in its breach of this duty to ensure its employee conducted business operations in a proper and safe manner, namely by:

- a. Failing to maintain a proper lookout;
- b. Failing to use business property in a proper and safe manner;
- c. Performing business tasks in a grossly negligent, reckless, careless, and willful and wanton manner;
- d. Failing to otherwise exercise that degree of care, skill, and diligence that would have been exercised by such entities and individuals in the same or similar circumstances;
- e. In such other particulars as may be ascertained through discovery procedures undertaken pursuant to the South Carolina Rules of Civil Procedure.
- f. Running into a customer;
- g. Going faster than her or she should have under the circumstances; and
- h. Failing to follow store and industry safety procedures.

FOR A THIRD CAUSE OF ACTION
(Negligent Supervision)

16. Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 16 as set forth herein verbatim.

17. Defendant had an obligation and duty to supervise professional and competent employees to ensure those employees do not create any harm or risk to the Plaintiff and other customers.

18. Defendant failed to exercise due care and failed to supervise their employee(s) or agent(s).

19. Upon information and belief, because of the failure to supervise its employee(s) or agent(s), Defendant permitted the negligent and careless actions of its employee, causing Plaintiff to experience severe injury and other damages.

20. Defendant failed to take reasonable protective measures to safeguard Plaintiff. As a result of this failure to exercise reasonable care, Defendant permitted a serious and significant harm to Plaintiff.

21. Defendant failed to monitor their employee(s) and were otherwise negligent in its supervision of its employees.

22. Defendant was negligent in hiring, training, and supervising their employees. As a direct and proximate result of Defendant's negligent supervision, Plaintiff has been damaged within the jurisdiction of this Court and Plaintiff demands judgment against the Defendant in the amount that will justly compensate her for damages.

FOR A FOURTH CAUSE OF ACTION
(Premises Liability)

23. Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 16 as set forth herein verbatim.

24. Upon information and belief, Defendant is the owner/occupier of the premises where Plaintiff was injured.

25. Plaintiff was an invitee while upon the Defendant's premises.

26. Defendant, through its agents and employees, owed a duty to Plaintiff to exercise reasonable, ordinary care for her safety.

27. Defendant, through its agents and employees, breached that duty of care by failing to use reasonable care to prevent Plaintiff from suffering bodily injury, more specifically:

- a. Defendant, through its agents and employees, failed to make safe the latent and hidden dangers that were present while Plaintiff was upon Defendant's premises;
- b. Defendant, through its agents and employees, failed to warn Plaintiff of latent and hidden dangers that were present while Plaintiff was upon Defendant's premises; and
- c. Defendant, through its agents and employees, had actual and/or constructive knowledge of the latent and hidden dangers present while Plaintiff was upon Defendant's premises.

28. As a direct and proximate result of the above negligence, gross negligence, recklessness, carelessness, willfulness and wantonness of Defendant, through its agents and employees, as set forth in the above causes of action, Plaintiff suffered severe injuries as will be more fully set forth below.

DAMAGES

29. Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 25 as set forth herein verbatim.

30. As a direct and proximate result of the above negligence, gross negligence, recklessness, carelessness, willfulness and wantonness of Defendant, as set forth in the above causes of action, Plaintiff has suffered the following damages:

- a. Severe and permanent injuries to her low back, left shoulder, and left wrist;
- b. Substantial medical expenses for surgery, therapy and other treatment;
- c. Limitation of movement;
- d. Reduction of normal activities;
- e. Past and future pain and suffering;

f. Past and future mental anguish; and

g. Lost income in the form of lost wages and lost earning capacity.

31. Upon information and belief, Plaintiff is entitled to judgment against Defendant in a fair, just, and equitable sum of actual damages, or, in the alternative, for such actual and punitive damages as the trier of fact may find, for the costs and disbursements of this action, and for such other relief as the Court deems just and proper.

WHEREFORE, Plaintiff prays for judgment against Defendant in a just and equitable sum of actual and punitive damages, for the costs of this action, and for such other further relief as this Court may deem must and proper.

MURPHY & GRANTLAND, P.A.

s/J.R. Murphy

J.R. Murphy, Esquire (S.C. Bar #7941)

PO Box 6648

Columbia, South Carolina 29260

(803) 782-4100

Attorneys for the Plaintiff

Columbia, South Carolina
October 28, 2021

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2021-CP-32-03563

Carrie Ballentine,

Plaintiff,

v

Target Corporation.,

Defendant.

AFFIDAVIT OF SERVICE

The undersigned, being duly sworn, does hereby certify that the Summons and Complaint in the above-entitled action were served upon the above-named Target Corporation, by Return Receipt Restricted Delivery Certified Mail at C.T. Corporation, 2 Office park Court, Suite 103, Columbia, SC 29223, and that an agent of the Defendant, Target Corporation, accepted service of the Summons and Complaint on November 29, 2021. (Copy of receipt is attached hereto.)

MURPHY & GRANTLAND, P.A.

s/J.R. Murphy

J.R. Murphy, Esquire (S.C. Bar #7941)

PO Box 6648

Columbia, South Carolina 29260

(803) 782-4100

Attorneys for the Plaintiff

Columbia, South Carolina
December 22, 2021



December 22, 2021

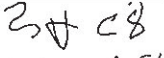
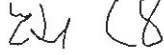
Dear Sandra Branson:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8969 0099 9790 1420 6449 56.

Item Details

Status:	Delivered to Agent for Final Delivery
Status Date / Time:	November 29, 2021, 12:33 pm
Location:	COLUMBIA, SC 29223
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	Target Corporation

Recipient Signature

Signature of Recipient: (Authorized Agent)	
Address of Recipient:	 2 OFFICE PARK CT STE 103 COLUMBIA, SC 29223

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
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Washington, D.C. 20260-0004



MURPHY & GRANTLAND, P.A.

J. R. Murphy
Direct dial 803-454-1231
jrmurphy@murphygrantland.com

November 23, 2021

CERTIFIED MAIL

Target Corporation
c/o Registered Agent
C.T. Corporation System
2 Office Park Court
Suite 103
Columbia, SC 29223

Batch #: 9
Article #: 92148969009997901420644956
Date/Time:
Code: JRM/sb
Code2: 1900-0201

Internal File #:
Internal Code:

Re: Carrie Ballentine vs. Target Corporation
Civil Action No.: 2021-CP-32-03563
Sedgwick Claim No.: 000403735G-0001
Date of Loss: 03/21/19
Our File No.: 1900-0201

Dear Sir/Madam:

Enclosed please find an original clocked copy of a Summons and Complaint in the above referenced matter which I herewith serve upon you by certified mail pursuant to the South Carolina Rules of Civil Procedure as Registered Agent for Target Corporation.

Please take notice that you have thirty (30) days after the date of service to answer this Complaint.

With personal regards, I am

Sincerely yours,

J. R. Murphy

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
Certified Mail Fee \$3.75	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.85
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage \$	
Total Postage and Fees \$	
Sent To Target Corporation c/o C.T. Corporation System 2 Office Park Court Suite 103 Columbia, SC 29223	
Street, Apt. No., or PO Box No. City, State, Zip+4	

Electronic Return Receipt Requested

Postmark
Here

Code: JRM/sb
Code2: 1900 0201

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ma29206 • Post Office Box 6648, Columbia, South Carolina 29260